



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,718	04/06/2000	Eduardo Cue	P2513/561	9145

21839 7590 05/22/2006

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

James H. Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 86,88-94,96-102 and 104-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 86,88-94,96-102 and 104-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Related Applications

The Examiner notes that this application has the same inventors and assignee as application 09/535034, filed on the same date. The instant application is also related to application 09/607913, filed on 30 June 2000, and to application 09/945208, filed 31 August 2001. These two applications have the same assignee and common inventors Cue, Epis and Halchin.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 March 2006 has been entered.

Response to Amendment

On March 1, 2006, applicant amended claims 86, 94, 102.

Claims 86, 88-94, 96-102, 104-109 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 1 March 2006 have been fully considered but they are not persuasive.

On page 8, lines 18-page 9, line 4, applicant appears to contradict himself:

...In amended Claims 86, 94 and 102, the Applicants clearly state that the **requestor**, which would be the equivalent of the drivers in the PRN reference, **are [sic] allowed to configure the products selected by the fleet manager**. The reference clearly states "all vehicle configuration completed by the driver is based on parameters the fleet manager selects". The Applicants have amended Claims 86, 94 and 102 to make it clear that the requestor is allowed to select only from the predefined virtual bundles. Claims 86, 94 and 102 do not claim that the requestor is able to configure his own product for purchase, as is disclosed by the PRN reference....

The Examiner respectfully notes that the claims read, in part,

- ...a server application that is responsive to a request at said vendor's e-commerce site, which request identifies the **requestor** as a member of said group, to present a second interface that retrieves said information from said database and, displays the virtual bundles of products defined by said authorized user and allows said **requestor** to select one or more of said predefined virtual bundles for purchase. Claim 86.
- ...in response to a request at said vendor's e-commerce site which identifies the **requestor** as a member of said group, retrieving said stored information and, displaying the virtual bundles of products defined by said authorized user and allowing said **requestor** to select one or more of said predefined virtual bundles for purchase. Claim 94.
- ...retrieving said stored information in response to a request at said vendor's e-commerce site which identifies the **requestor** as a member of said group, after displaying the virtual bundles of products defined by said authorized user, and allowing said **requestor** to select one or more of said predefined virtual bundles for purchase. Claim 102.

Thus, by applicant's admission, the PRN reference discloses applicant's claimed limitations.

On page 9, line 8-page 10, line 4, applicant argues that the combination of Dell Computers and PRN do not disclose the inventions as currently claimed. This argument is inconsistent with applicant's remarks noted above, since applicant admits PRN discloses the claimed limitations.

On page 10, lines 5-15, applicant argues,

The other reference, Henson, is cited for a computer readable medium and server means. In addition, Henson clearly states that the computers available for purchase on the system described by Henson are custom or configurable computer systems and that the system has a database provided for supplying *configuration options* to a piece of software (described as the configurator) in accordance with an identification of the user belonging to a prescribed customer set. Therefore, the end user purchasing a computer is still able to configure the computer system from among selected options. This is very similar to the PRN reference.

Art Unit: 3625

As a result, the Applicants respectfully submit the combination does not teach or suggest a system whereby special users from the customer's group are able to pre-configure bundles of products for purchase, and further wherein other users from the customer's group are able to log in to purchase those pre-defined bundles (without further configuration or option selecting).

Again, the Examiner notes that applicant admits that the references disclose the claimed limitations. The Examiner also respectfully notes that the limitation "without further configuration or option selecting" is not present in the claims.

As previously noted, the concept of product bundling is neither novel nor non-obvious. Henson discloses a universe of Dell products and compatible components, peripherals, and software that are already bundled based on utility and compatibility with a specific Dell computer or family of Dell computers. Henson discloses government customers having their own premier page web site that provides government- specific configurations and pricing. PRN and Dell Computer teach and suggest seller-level bundling, bundling by an administrator, and bundling by the individual user.

Again, though not relied upon, attached for the Applicant's convenience and review is prior art extracted from the Dell Computer web site that depicts the www.dell.com Federal Government home page and the web page for Federal Indefinite Delivery Indefinite Quantity (IDIQ) Contracts. The IDIQ web pages show two federal contracts, SMC-II and NIH, and specifically states that these are negotiated contracts. Each contract itself represents a total bundle of products that buyers can choose as decided by the Army.

Claim Objections

In claims 88, 96 and 104, the term **obsolete** is a relative term that renders the claim indefinite. The term "obsolete" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. There is no mention of who determines that a part or product is obsolete. Further, since parts and products in computers can be upgraded and exchanged, it is not clear what makes a part or product obsolete. For purposes of this examination, the term obsolete will be interpreted to refer to compatibility among computer components.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 86, 88-94, 96-102, 104-109 are rejected under 35 USC 103(a) as being unpatentable over

- PR Newswire (Paper #20040716, PTO-892, Item: U hereinafter referred to as "PRN"), in view of
- Dell Computer (a collection of prior art cited in Paper #4, PTO-892 Items: U-X; and
- Henson (US 6,167,383).

PRN teaches GE Capital's online ordering system that allows users to order products (e.g. a vehicles) based on parameters selected by an administrator. PRN teaches the a fleet manager establishing product selectors on the Internet and allowing drivers to make productoption selections online using a secure user ID and password. PRN further teaches drivers being permitted to choose from designated product options or being

allowed to build entire vehicles (please note examiner's interpretation: fleet manager acting as an administrator and in control of products bundled to make a completed product bundle) (Paper #20040716, U: see at least pages 1 and 2).

PRN further teaches:

Presenting or generating bundle-selection data from a custom store administration computer, products to be bundled are selected by an administrator associated with the -group: parameters selected by the drivers' fleet manager; drivers' fleet manager establishing their selectors on the Internet (PRN at least pages 1-2).

Presenting or venerating a bundle of products with a server system: configuring the bundle or products with instantiation data for the group; products tailored for the group: fleet managers deciding product options for their drivers (please note examiner's interpretation: orderable product is tailored by an administrator for his group of drivers) (PRN, at least pages 1 and 2).

Presenting or generating the bundle of products from the bundle selection data: fleet manager establishes their selectors on the Internet allowing drivers to make product selections online; product configuring is based on the parameters the drivers' fleet manager selects (please note examiners interpretation: fleet manager creates product bundles) (PRN, at least pages 1 and 2).

PRN **does not** disclose specifics about Dell Computers online ordering system. Dell Computer teaches a system and method for conducting commerce with its customers desiring to customize their purchase of computers, peripherals, software, and accessories

through Dell Computers web site (for example, Dell Computer, p. 1-2); Henson, abstract; Fig. 3a (reference 70); col. 1, lines 15-22).

Dell Computer teaches its Premier Pages, customized secure websites for individual customer groups (e.g. companies, government institutions, small businesses) managed by Dell Computers web service that allows companies and public-sector customers to simplify procurement of Dell products and support processes (Paper #4, U: see at least pages 3-5; W: page 1; Henson: see at least col. 14, lines 18-61). Dell Computer teaches a smart configurator that presents a base product selected by the customer using a Premier Page (e.g. Dell Dimension XPS R mini tower computer) and presents required compatible components (e.g. memory, monitor), bundled software, and optional accessories (Paper #4, Henson: see Fig. 4 (70)) (please note examiners interpretation: smart configurator instantiated data by dynamically generating a bundle of products and accessories for a customer to select).

Dell Computer further teaches: Custom store web page: Premier web pages as a particular type of customer set (Paper #4, U: page 1; X: page 1; Henson: see at least col. 14, lines 35-47).

Pricing tiers: customer set or group discounting (e.g. government discounting, retail discounting) (see at least col. 10, lines 30-48).

Pricing recalculation: pricing changes as product options are selected (see at least Figs. 3B (72); Fig. 6 (104); col. 6, lines 18-30).

Commerce site is dynamically produced' dynamic publishing (Paper #4, U: page 5).

Determining if any of the product data is obsolete with a reconciliation implication:
Dell's ImageWatch program provides early notification of technology changes and impact to Dell corporate and institutional customers through Premier web pages (Paper #4, W: see page 1).

Databases: database driven shopping cart and configurator that assists the customer of a customer set (Premier Page) in customizing a computer system for purchase providing automatic price totaling (Paper #4, Henson: see at least Fig. 1 (18, 20, 24); col. 4, line 35 through col. 5, line 65).

Computer-readable medium: online store with CPU, hard disk, floppy drive, and memory devices (Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).

System means: server means; communication means (Internet, 110, bus); , database means to store and access data; central processing unit for execution means to dynamically create bundled products; image displaying (Paper #4, Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PRN to include system components, features, functionality, and methods of Dell Computers online ordering system as taught by Dell Computer, in order to provide an online product bundling ordering system, and thereby attract business customers to the online bundling service.

Claim 94, drawn to a method, is rejected on the same grounds as claim 86.

Claim 96, drawn to a method, is rejected on the same grounds as claim 88.

Claim 97, drawn to a method, is rejected on the same grounds as claim 89.

Claim 98, drawn to a method, is rejected on the same grounds as claim 90.

Claim 99, drawn to a method, is rejected on the same grounds as claim 91.

Claim 100, drawn to a method, is rejected on the same grounds as claim 92.

Claim 101, drawn to a method, is rejected on the same grounds as claim 93.

Claim 102, drawn to a medium, is rejected on the same grounds as claim 86.

Claim 104, drawn to a medium, is rejected on the same grounds as claim 88.

Claim 105, drawn to a medium, is rejected on the same grounds as claim 89.

Claim 106, drawn to a medium, is rejected on the same grounds as claim 90.

Claim 107, drawn to a medium, is rejected on the same grounds as claim 91.

Claim 108, drawn to a medium, is rejected on the same grounds as claim 92.

Claim 109, drawn to a medium, is rejected on the same grounds as claim 93.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
10 May 2006

James Zurita
Patent Examiner
Art 3625